

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES SIMPSON,

Petitioner,

Case Number: 2:09-CV-11998

v.

HON. GEORGE CARAM STEEH

BLAINE LAFLER,

Respondent.

ORDER GRANTING PETITIONER'S MOTION TO AMEND PETITION

Petitioner James Simpson filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions for second-degree murder, assault with intent to commit murder, and possession of a firearm in the commission of a felony. Petitioner previously filed a habeas petition challenging these convictions which was denied on the merits. *Simpson v. Howes*, No. 01-cv-10307 (E.D. Mich. June 10, 2002) (Lawson, J.). On June 4, 2009, the Court transferred the petition to the United States Court of Appeals for the Sixth Circuit so that Petitioner could request authorization from the Court of Appeals to file a second petition pursuant to 28 U.S.C. § 2244(b)(3)(A).

The Court of Appeals granted permission to file a second § 2254 petition. *In re Simpson*, No. 09-1818 (6th Cir. June 24, 2010). The matter has now been reopened and the Court directed Respondent to file an answer addressing the merits of the petition by December 30, 2010. Now before the Court is Petitioner's Motion to Amend Petition.

Section 2242 of Title 28 provides that an application for a writ of habeas corpus "may be amended or supplemented as provided in the rules of procedure applicable to civil actions." 28

U.S.C. § 2242. The applicable civil rule, Federal Rule of Civil Procedure 15, allows a party to amend a pleading once as a matter of course at any time before a responsive pleading is served or by leave of court. A responsive pleading has not yet been filed.

Petitioner seeks to amend his petition to provide further argument in support of the claims already raised in his petition. The Court finds that the interests of justice are best served by permitting Petitioner to amend his petition.

Accordingly, **IT IS ORDERED** that Petitioner's Motion to Amend Petition [dkt. # 10] is **GRANTED**.

Dated: September 27, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 27, 2010, by electronic and/or ordinary mail and sent to James Simpson at Carson City Correctional Facility, 10522 Boyer Road, Carson City, MI 48811

S/Josephine Chaffee
Deputy Clerk